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STREET CLERK'S OFFICE

DOCUMENT NO. 83.

BOARD OF ALDERMEN,

DECEMBER 19, 1836.

*Report of the Committee on Laws, &c. on the Communication
and draft of a Law from the Water Commissioners with
amendments.*

D. T. VALENTINE, Assistant Clerk.

Resolved, That it be referred to the Committee on "Laws and Applications to the Legislature" to inquire into the expediency of applying to the Legislature for an amendment of the act entitled "An act to provide for supplying the city of New York with pure and wholesome water," requiring the Commissioners appointed under the said act to report quarterly to the Common Council, a statement of the proceedings that have been adopted by them in furtherance of the object contemplated by the said act, together with such other amendments to the said act as may be deemed necessary by them.

The Committee on Laws and Applications to the Legislature, to whom was referred the annexed communication and draft of a law from the Water Commissioners, as also the annexed resolution of Alderman Tallmadge,

R E P O R T :

That the object of the law suggested by the Commissioners appears to the Committee to be proper, and in fact indispensable to the carrying on the work entrusted to their superintendence.

The appointment of Commissioners for laying out highways, is a customary mode of proceeding in the Legislature of this state, and is probably as unexceptionable as any that can be adopted. Some alterations in the form of law are suggested, and appear in the draft.

The Committee have also added an entire new section, requiring the Water Commissioners to make quarter-yearly reports to the Common Council, of the proceedings which may, from time to time, be adopted by them, in the discharge of their duties as Water Commissioners ; and requiring their compliance in such orders and resolutions as may be adopted by the Common Council, in regard to the performance of the work, and the mode, manner and time within which the same is to be done, within the City and County of New York.

Resolved, That the Counsel of the Board prepare a Memorial to the Legislature for the passage of the Law providing for necessary alterations in the route of any turnpike road or highway occasioned by the plan for supplying the city with water, as agreed to by the Common Council, and that the same be executed in the usual manner and forwarded to the Legislature.

P. R. WARD,	} Committee	
D. P. INGRAHAM,		on
F. A. TALLMADGE,		Laws.

To the Honorable the Common Council of the City of New York :

The Water Commissioners beg leave respectfully to represent, that they made a communication to the Common Council on the 23d of November, 1835, (see Document 48,) stating, in substance, that a part of the road belonging to the Croton Turnpike Company, and also of the public highway, would be overflowed by the damming of the Croton River, which became necessary, in order to form the great reservoir, from which the water for supplying the city is to be drawn.

That in lieu of such parts of the road, thus overflowed and destroyed, others must be provided at the expense of the city ; and as the Water Commissioners were not authorized by the act of the legislature passed the 2nd of May, 1834, to alter the line of any road, or to substitute others in the place of those destroyed or injured, they requested that the Common Council would direct an application to the legislature for a law authorizing the appointment of Commissioners to lay out and designate such alterations in the present line, or route of the Croton Turnpike and public highway, in lieu of so much of said roads as will be covered with water, as in their judgment will best comport with the convenience of the public and the interest of those concerned.

This communication was referred to the Committee on Laws and Counsel of the Board, with power to carry it into effect ; and a memorial and law were accordingly prepared and duly transmitted to the legislature ; but owing to the press of business, or other cause, the application was not acted on by that honorable body ; and inasmuch as the same necessity still exists for an act conferring the powers alluded to, the Commissioners respectfully request that the Common Council will direct a memorial and the draft of a law to be prepared and laid before the legislature at their session in January next.

Respectfully submitted by order of the Board of Water Commissioners.

STEPHEN ALLEN, Chm'n of the Water Com's
Office of the Water Commissioners, Nov. 19, 1836,

AN ACT

To provide for such alterations in the line or route of any turnpike road or highway through the County of West Chester, as may be rendered necessary by the plan adopted for supplying the City of New York with pure and wholesome water, under and by virtue of the Act for that purpose, passed May 2nd, 1834.

The people of the State of New York, represented in Senate and Assembly, do enact as follows :

§ 1. The Governor shall nominate, and with the consent of the Senate, shall appoint three competent and disinterested persons as Commissioners who shall be authorised to order and direct such alterations in the present line or route of the Croton Turnpike, or any other turnpike or public road or highway, running through the county of Westchester, as in their judgment may be rendered necessary by the construction of any reservoir, aqueduct or other work, for supplying the City of New York with pure and wholesome water, according to the act for that purpose passed May 2nd, 1834. And the said Commissioners shall have power to lay out and designate, in lieu of such parts of any of the said turnpike, or public roads or highways as may be discontinued by them by virtue of this act, such other land as may be necessary for the route or line of any such turnpike, public road or highway as altered by them.

§ 2. It shall be the duty of such Commissioners to lay out and designate such turnpike, public road, or highway as may require to be changed from their present line or route, accord-

ing to their best judgment and understanding, and in such manner as shall best promote the objects intended and the interests of the public. They shall cause to be made an accurate map of their surveys of such road or roads, designating therein the several points near, or through which they may pass, and to deposite and file such map in the office of the Clerk of the county of Westchester.

§ 3. Each Commissioner, for each day he may be employed in the performance of such duty, shall receive the sum of three dollars, to be paid, together with the expenses of surveys and maps, from the funds provided by the Common Council of the City of New York for that purpose.

§ 4. The Water Commissioners of the City of New York are hereby authorized to agree with the owner or owners of any land or property which may be required for any such alterations, as to the amount of compensation to be paid to any such owner, or owners, for any damage to be thereby sustained by him, her, or them; and in case of disagreement between the said Water Commissioners and any such owner, or owners, or in case of the infancy coverture, insanity or absence from this state of any such owner, or owners, the Vice Chancellor of the first circuit, may, upon the application of either party, nominate and appoint three indifferent persons to examine the land required for the alteration of the route of any such road, or roads, and to estimate the value thereof and damage sustained thereby, and to report thereon to the said Court without delay.

§ 5. Whenever such report shall have been confirmed by the said Vice Chancellor, the said Water Commissioners shall, within two months thereafter, pay to the owner, or to such person or persons as the Court may direct, the sum mentioned in said report, in full compensation for the property so required, and damage sustained; and thereupon the said Water Commissioners shall be discharged from all claim for the land thus required or damage sustained.

§ 6. Every such turnpike, public road, or highway, laid

out by the Commissioners appointed by virtue of this act, shall be built or constructed by, or under the authority of the Water Commissioners, and the cost and expense thereof shall be paid from the funds provided by the Common Council for supplying the City of New York with pure and wholesome water.

§ 7. The roads thus laid out shall be constructed of good materials, and in a substantial manner; and it shall be the duty of the Commissioners appointed by virtue of this act, upon the requisition of the Water Commissioners, or of the owners of any road or bridge, so constructed, to inspect the same, and if the said Commissioners, or any two of them, shall be satisfied that the said road, or bridge, as the case may be, is as good and as well constructed as the old, or former road, or bridge, and equally substantial and durable, they shall make two certificates of the fact, one for the Water Commissioners, and one for the owner of the road or bridge so constructed, and one of the said certificates shall be recorded in the office of Register, in the City and County of New York, and the other in the Clerk's office, in the County of Westchester; and the Mayor, Aldermen and Commonalty of the City of New York, and the Water Commissioners shall be released from all further charge or expenditure on account of any such road or bridge.